

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(e)(Large Entity)**

Docket No.  
**P-3458C1**

**In Re Application Of: David J. Carano**

SEP 03 2004

Application No.	Filing Date	TRADEMARK Examiner	Customer No.	Group Art Unit	Confirmation No.
10/090,598	March 1, 2002	Musser, B.	31948	1733	7673

## Invention: **CLOSURE**

## **COMMISSIONER FOR PATENTS:**

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of Mar. 1, 2004 in the above-identified application.

The requested extension is as follows (check time period desired):

One month       Two months       Three months       Four months       Five months

from: June 1, 2004 \_\_\_\_\_ until: September 1, 2004  
*Date* \_\_\_\_\_ *Date* \_\_\_\_\_

The fee for the amendment and extension of time has been calculated as shown below:

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	5 -	20 =	0	x \$18.00	\$0.00
INDEP. CLAIMS	1 -	3 =	0	x \$86.00	\$0.00
FEE FOR AMENDMENT				0.00	\$0.00
FEE FOR EXTENSION OF TIME				950.00	\$950.00
<b>TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME</b>				9910090598	<b>\$950.00</b>

09/03/2004 ANABII

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.  
P-3458C1

SEP 03 2004

U.S. PATENT & TRADEMARK OFFICE

The fee for the amendment and extension of time is to be paid as follows:

A check in the amount of \$0.00 for the amendment and extension of time is enclosed.

Please charge Deposit Account No. in the amount of \$0.00

The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-1030

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.

If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 03-1030

Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**



Signature

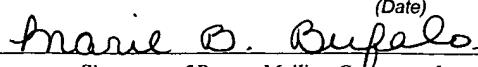
Gerald E. Hespos  
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**CASELLA & HESPOS LLP**  
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CC:

Dated: August 31, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 8-31-04

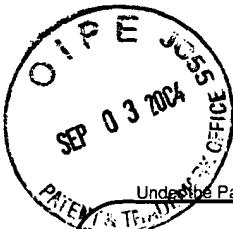
(Date)



Signature of Person Mailing Correspondence

**Marie B. Bufalo**

Typed or Printed Name of Person Mailing Correspondence



PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/090,598
Filing Date	March 1, 2002
First Named Inventor	David J. Carano
Art Unit	1733
Examiner Name	Musser, B.
Attorney Docket Number	P-3458C1

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i.  Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_  
ii.  Other \_\_\_\_\_

b.  Enclosed

i.  Amendment/Reply      iii.  Information Disclosure Statement (IDS)  
ii.  Affidavit(s)/Declaration(s)      iv.  Other Petition for Three-Month Ext. of Time

**2. Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  
b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to  
a.  Deposit Account No. 03-1030  
i.  RCE fee required under 37 CFR 1.17(e)  
ii.  Extension of time fee (37 CFR 1.136 and 1.17)  
iii.  Other \_\_\_\_\_  
b.  Check in the amount of \$ \_\_\_\_\_ enclosed  
c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Gerald E. Hespas	Registration No. (Attorney/Agent)	30,066
Signature		Date	August 31, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Marie B. Bufalo	Date	August 31, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE

Group Art Unit: 1733

Examiner: Musser, B.

Atty. Ref.: P-3458C1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : David J. Carano

Appl. No. : 10/090,598

Filed : March 1, 2002

For : CLOSURE

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AFTER FINAL REJECTION**

Sir:

This Amendment is submitted in response to the office action of March 1, 2004. Please amend the application as follows: